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BellSouth Telecommunications, Inc

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Guy M. Hicks

General Counsel

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April 30, 2004

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VIA HAND DELIVERY

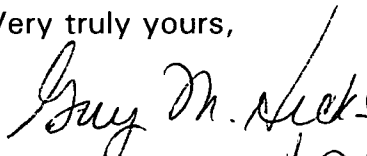
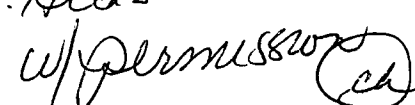
Hon. Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *CAT Communications International, Inc. v. BellSouth
Telecommunications, Inc.*
Docket No. 04-00010

Dear Chairman Tate:

Enclosed are the original and fourteen copies of BellSouth's *Motion to Dismiss Complaint Based on CCI, Inc.'s Failure to Respond to BellSouth's Motion to Dismiss*. Copies of the enclosed are being provided to counsel of record.

Very truly yours,


Guy M. Hicks w/permission 

GMH:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *CAT Communications International, Inc. v. BellSouth
Telecommunications, Inc.*
Docket No. 04-00010

**BELLSOUTH TELECOMMUNICATIONS, INC.'S MOTION TO DISMISS
COMPLAINT BASED ON CCI, INC.'S FAILURE
TO RESPOND TO BELLSOUTH'S MOTION TO DISMISS**

BellSouth Telecommunications, Inc. ("BellSouth") respectfully submits this *Motion to Dismiss* the Complaint filed by CAT Communications International, Inc. ("CCI") on the grounds that CCI has failed to respond to the *Motion to Dismiss* filed by BellSouth on February 2, 2004. Authority Rule 1220-1-2-.06 requires that any party opposing a preliminary motion file and serve a response within seven days after service of the motion. Not only has CCI failed to respond to BellSouth's February 6 *Motion to Dismiss*, CCI has failed to file any responsive pleading whatsoever. CCI has not even requested an extension of time to respond to BellSouth's *Motion to Dismiss*

CCI's failure to respond is not unique to Tennessee. Recently, five Public Service Commissions in BellSouth's region dismissed CCI complaints. The North Carolina Utilities Commission dismissed by order of March 3, 2004 a similar complaint filed by CCI based upon CCI's failure to respond within deadlines established by the Utilities Commission. (See Docket No. P-55, Sub 1482). The Mississippi Public Service Commission dismissed the CCI Complaint by order dated April 6, 2004, finding that both CCI's failure to respond and the grounds set forth in BellSouth's motion to dismiss on the merits provided independent bases valid to dismiss the Complaint. (See Docket No. 2004-AD-017). The Kentucky Public Service Commission granted CCI's

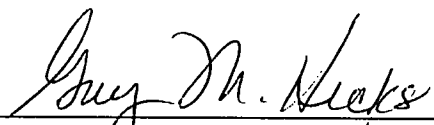
letter motion to withdraw its Complaint by order dated April 19, 2004. (See Docket No. 2004-00019). Copies of these three orders are attached.

Moreover, on April 20, 2004, the South Carolina Public Service Commission decided to dismiss a similar complaint filed by CCI in South Carolina. The Florida Public Service Commission also voted on April 20, 2004 to dismiss the CCI Complaint.¹

WHEREFORE, BellSouth requests that the Authority dismiss the Complaint filed by CCI based on the grounds set forth in BellSouth's February 6 *Motion to Dismiss* or based on CCI's failure to respond to BellSouth's *Motion to Dismiss*.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 
Guy M. Hicks
Joelle J. Phillips
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300
615/214-6301

R. Douglas Lackey
675 W. Peachtree St., NE, Suite 4300
Atlanta, GA 30375

¹ See South Carolina Docket No. 2004-14-C and Florida Docket No. 04-00026-TP. The South Carolina and Florida PSCs have not yet issued written orders.

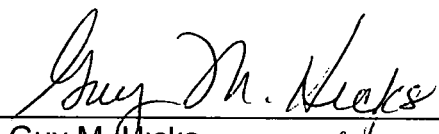
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Moreover, on April 20, 2004, the South Carolina Public Service Commission decided to dismiss a similar complaint filed by CCI in South Carolina. The Florida Public Service Commission also voted on April 20, 2004 to dismiss the CCI Complaint ¹

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Respectfully submitted,

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Nashville, TN 37201-3300
615/214-6301

R. Douglas Lackey
675 W. Peachtree St., NE, Suite 4300
Atlanta, GA 30375

¹ See South Carolina Docket No 2004-14-C and Florida Docket No 04-00026-TP The South Carolina and Florida PSCs have not yet issued written orders

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. P-55, SUB 1482

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
CAT Communications International, Inc.)	
Complainant,)	
)	ORDER DISMISSING
v.)	COMPLAINT AND
)	CLOSING DOCKET
BellSouth Telecommunications, Inc.)	
Respondent)	

BY THE COMMISSION: On January 16, 2004, CAT Communications, Inc. (CAT) filed a Complaint against BellSouth Telecommunications, Inc. (BellSouth). On February 10, 2004, BellSouth filed a Motion to Dismiss, Motion to Require Appearance of North Carolina Counsel, and Answer. On February 11, 2004, the Commission issued an Order Serving Answer and Requesting Comments from the Public Staff. That Order stated that if CAT did not file a reply or request a hearing by February 27, 2004, the Commission would assume that the complaint is satisfied and close the docket. CAT has not filed a reply or requested a hearing on a timely basis. Accordingly, the Chair concludes that good cause exists to dismiss the complaint and close the docket.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 3rd day of March, 2004.

NORTH CAROLINA UTILITES COMMISSION

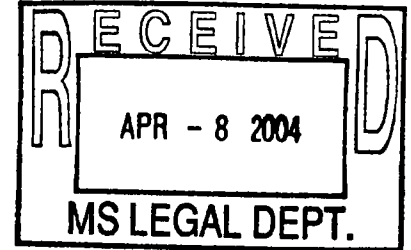
Gail L. Mount

Gail L. Mount, Deputy Clerk

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

In re: Formal Complaint of CAT Communications
International, Inc. against BellSouth
Telecommunications, Inc. for Alleged Unlawful
Charges for Emergency Telephone Service and
Telecommunications Relay Service

) Docket No 2004-AD-0017
)
)
)
)
)



ORDER DISMISSING FORMAL COMPLAINT

HAVING COME ON for consideration before the Mississippi Public Service Commission ("Commission") of the Motion to Dismiss Formal Complaint of CAT Communications International (CCI) Inc ("CCI") filed by BellSouth Telecommunications, Inc ("BellSouth") on February 2, 2004, and CCI failing to respond at all to BellSouth's Motion to Dismiss and clearly failing to respond within the time period allowed by Rule 12 of the Commission's Public Utilities Rules of Practice and Procedure, the Commission finds as follows:

1. CCI has failed to respond to BellSouth's Motion to Dismiss or to otherwise pursue its Formal Complaint. The Commission finds that the facts and matters raised by BellSouth in support of its Motion to Dismiss are valid reasons to dismiss the Formal Complaint. Accordingly, the Motion to Dismiss of BellSouth should be granted.

2. The Formal Complaint by CCI against BellSouth in this Docket 2004-AD-0017 should be dismissed with prejudice.

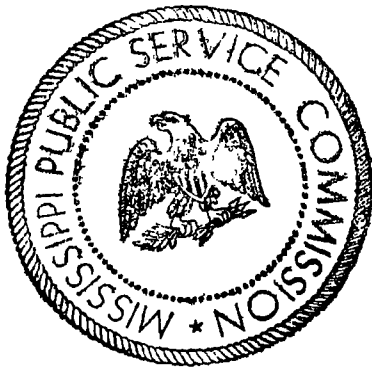
3 Docket No 2004-AD-0017 should be closed

IT IS, THEREFORE, ORDERED, that BellSouth's Motion to Dismiss is hereby granted and that the Formal Complaint filed by CCI against BellSouth in this Docket No 2004-AD-0017 is hereby dismissed with prejudice.

IT IS FURTHER ORDERED that this Docket No. 2004-AD-0017 is hereby closed.

SO ORDERED, this the 16th day of April, 2004.

Chairman Bo Robinson voted aye; Vice-Chairman Nielsen Cochran voted aye; and Commissioner Michael Callahan voted aye.



MISSISSIPPI PUBLIC SERVICE COMMISSION

Bo Robinson

BO ROBINSON, CHAIRMAN

Nielsen Cochran

NIELSEN COCHRAN,, VICE CHAIRMAN

Michael Callahan

MICHAEL CALLAHAN, COMMISSIONER

Attest A True Copy

Brian U. Ray
Brian U. Ray, Executive Secretary

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CAT COMMUNICATIONS INTERNATIONAL, INC)	
)	
COMPLAINANT)	
)	
v)	CASE NO 2004-00019
)	
BELLSOUTH TELECOMMUNICATIONS, INC)	
)	
DEFENDANT)	

O R D E R

On April 12, 2004, CAT Communications International, Inc. ("CAT") notified the Commission, by letter, that it wished to withdraw its petition in this matter. The Commission will treat CAT's letter as a motion to withdraw

After reviewing the motion and being otherwise sufficiently advised, the Commission finds that good cause exists to grant the motion. The Commission also finds that, in light of the above-referenced motion, BellSouth Telecommunications, Inc.'s ("BellSouth") February 2, 2004 motion to dismiss this complaint should be denied as moot. Further, the parties should be relieved from responding to the Commission Staff's March 31, 2004 request for information

IT IS THEREFORE ORDERED that

- 1 BellSouth's February 2, 2004 motion to dismiss is denied as moot.
2. The parties are relieved from responding to the Staff's March 31, 2004 request for information

3. CAT's motion to withdraw is granted, and this case is dismissed without prejudice and is removed from the Commission's docket

Done at Frankfort, Kentucky, this 19th day of April, 2004.

By the Commission

ATTEST.

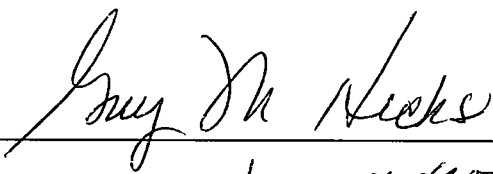

Executive Director

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2004, a copy of the foregoing document was served on the following, via the method indicated:

- ☐ Hand
- ☒ Mail
- ☐ Facsimile
- ☐ Overnight

Stephen Athanson, Esquire
CAT Communications International, Inc.
P. O. Box 11845
Roanoke, VA 24022-1845


w/permission (ch)